

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KIRK VON FELHABER,

Defendant.

CR-13-12-BLG-DWM

**FINDINGS AND  
RECOMMENDATION  
CONCERNING PLEA**

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to the Count contained in the Superseding Information, which charges the crime of conspiracy to possess with intent to distribute marijuana in violation of 21 U.S.C. § 846.

After examining the Defendant under oath, the Court determined that the guilty plea was knowingly, intelligently, and voluntarily entered; that the Defendant fully understands his constitutional rights and the extent to which such rights are waived; and that the offense charged and to which a guilty plea was entered contained each of the essential elements of the offense.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. I recommend that the Defendant be adjudged guilty and that sentence be imposed. A presentence report has been ordered.

Objections to these Findings and Recommendation are waived unless filed and served within fourteen (14) days. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P 59(b)(2).

DATED this 22<sup>nd</sup> day of August, 2013.

/S/ Carolyn S. Ostby  
United States Magistrate Judge